

Berkeley Tenant Opportunity to Purchase Act

Update to City Council Land Use
Committee

March 18, 2021



What is TOPA?

- **Provides Tenants the first opportunity to collectively purchase the property they live in or assign their rights to a Qualified Non-Profit**
- **Stabilizes existing housing and preserves affordability (if using public funds to assist in the purchase)**
- **Creates a pathway for Tenants to become first-time homeowners**
- **Makes available resources (supportive partners) to ensure tenants can meet timelines and actualize their goal**



Why TOPA?

- **Prevent displacement of low-income communities of color and marginalized tenants**
- **Create permanently affordable housing**
- **Create pathways to ownership for tenants and promote democratic residential control**
- **Stabilize housing for existing tenants**
- **Give tenants choice and voice regarding their housing**





Stakeholder Feedback

- In March 2020 (pre-pandemic) Council Land Use Committee members requested that the Mayor meet with stakeholders to workshop the proposal and get feedback.
- COVID-19 pandemic did impact timeline for outreach and method of community engagement.
- In response, the Mayor's office and TOPA Working Group held several productive meetings with the Berkeley Property Owners Association, Executive Director and Board Members. Based on these meetings some amendments are included in the latest draft.
- Presentation and open forum with Berkeley Neighborhoods Council (BNC) which included outreach to all neighborhood groups across the City
- Neighborhood meeting in District 4 and feedback from District 3 constituents.
- January 27, 2021 Virtual Forum on TOPA with chat and email response to questions (over 100 attendees)
- Meetings were also held with representatives of BRIDGE Association of Realtors and presentations to community groups including Berkeley Tenants Union, East Bay Young Democrats and others



Revisions based on Outreach

- Shortened timelines
- Removed appraisal provision
- Exempted:
 - Single Family/Owner Occupied properties (including those w. ADU/JrADU)
 - Sales necessitated by small property owner's medical emergencies
 - Inheritance
- Modified permanent affordability to only those purchases utilizing public funds
- Requiring supportive partners to ensure tenants can meet timelines and close the transaction
- Revised the ordinance for simplicity and ease of implementation

Thank you to City Attorney's office for your review and help drafting this version of the TOPA Ordinance.

Endorsers of TOPA Policy

Alameda Labor Council

Sierra Club - San Francisco Bay

Wellstone Democratic Renewal Club

East Bay for Everyone

SEIU Local 1021

Alameda County Democratic Party

EBHO - East Bay Housing Organizations

Our Revolution - East Bay

National Union of HealthCare Workers

Latinxs Unidos de Berkeley

EBASE

ACCE

San Francisco Foundation

Public Advocates

East Bay Community Law Center

Urban Habitat

East Bay DSA

PolicyLink

Centro Legal de la Raza

Northern California Land Trust

Bay Area Community Land Trust

Berkeley Tenants Union

Sustainable Economies Law Center

East Bay CoHousing



Requested Actions

- **Extend timeframe for Committee consideration of TOPA until May 20, 2021.**
- **Make a Positive Recommendation to the City Council to:**
 - **Adopt the TOPA ordinance, BMC Chapter 13.89, with an implementation start date 90 days after the City Manager adopts Administrative Regulations, and after budgeting for related program costs.**
 - **Direct the City Manager to take implementing actions including 1) Develop Administrative Regulations, 2) Implementation Plan, 3) Determine necessary staffing for program implementation and timelines for program launch, 4) Determine appropriate amount of funding needed to support acquisition of TOPA properties, 5) Budget estimate and budget referral to FY 2022 Budget Process for implementation.**



Thank You
Questions?

